

**NOTICE OF PUBLIC HEARING**  
**R307-415-4. Applicability.**

The Utah Air Quality Board proposes to revise R307-415-4 to match changes in federal regulations and to remove an outdated cross-reference. Rule R307-415-4 specifies applicability of the Title V permitting program in Utah. In sections R307-415-4(1)(b) and (c), the program is applied to all sources, including area sources subject to a New Source Performance Standard (NSPS), National Emission Standard for Hazardous Air Pollutants (NESHAP) or Maximum Achievable Control Technology (MACT) standard.

EPA has been promulgating NSPS and MACT rules that specifically exempt area sources from Title V permitting obligations, beginning with the exemption of five area source categories in December 2005 (70 FR 75320, 12/19/2005). These particular exemptions were adopted into R307-415(2)(c) in 2006. EPA has continued to exempt area sources from Title V in subsequent NSPS and MACT rulemakings. It appears that this is EPA's chosen approach to implement its authority under Part 70 to exempt area sources from Title V.

This presents two options for handling these regulations under R307-415. The Board could modify R307-415-4(2)(c) each time EPA promulgates a new regulation containing the exemption language, or the Board could modify R307-415-4(2)(c) with a general exemption for area sources subject to any rule containing EPA's exemption. The Board has chosen to propose the latter approach since it requires fewer resources and provides a more certain position for area sources. This approach to exempting sources also parallels the approach to including sources in R307-415-4(1).

A public hearing will be held Wednesday, September 19 at 2:00 PM in the Main Conference Room of the DEQ Building, 150 N 1950 West in Salt Lake City. In compliance with the American with Disabilities Act, individuals with special needs (including auxiliary communicative aids and services) should contact Brooke Baker, Office of Human Resources at (801) 536-4412 (TDD 536-4414).

The comment period closes at 5:00 p.m. on October 1, 2007. Comments postmarked on or before that date will be accepted. Comments may be submitted by electronic mail to [mcaryl@utah.gov](mailto:mcaryl@utah.gov) or may be mailed to:

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